## REMARKS

The Office Action dated August 29, 2008 included a restriction requirement as follows:

> Group I, claims 1-13, drawn to a method for mass production of dsRNA;
>
> Group II, claims 14-20, drawn to a system/kit for mass production of dsRNA; and
>
> Group III, claims 21-28, drawn to a method for inducing sequence-specific gene silencing effects in eukaryotic systems.

In response, the Applicants elect Group I, claims 1-13, with traverse.

The Office Action asserts:

> The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:
>
> The invention of groups I-III are found to have no special technical feature that defines a contribution over the prior art of Délye *et al.* (*Journal of Virological Methods*, 1998, 74:149-153).
>
> The first claimed invention in the instant case is a method for mass producing dsRNA. Délye *et al.* teach a method of rapidly mass producing dsRNA. Therefore, applicant's invention does not contribute a special technical feature when viewed over the prior art of Délye *et al.* Accordingly, the inventions of groups I-III do not have a single inventive concept and so lack unity of invention, and therefore the restriction for examination purpose as indicated is proper.

*See* Office Action, page 2.

The Applicants respectfully disagree. The assertion that Délye *et al.* teaches mass production of dsRNA as recited in the present claims is incorrect. Délye *et al.* reports the results of basic research in which naturally occurring mycovirus nucleic acid is isolated from a fungal host and analyzed. This is not the same as mass production of dsRNA as recited in the present claims. In particular, the present claims relate to mass production of a target nucleic acid sequence that is incorporated into the genome of a RNA virus or an RNA replicon.

All of the claims of Group I require "providing nucleic acid target in a form replicable by an RNA-dependent RNA polymerase" and "incorporating the nucleic acid target into the genome of an RNA virus or other RNA replicon encoding said polymerase."

All of the system claims of Group II require "a target nucleic acid sequence operably linked with determinants essential for replication by an RNA synthesis apparatus of an RNA virus or another RNA replicon." The kit claim of Group II requires "a) a vector for transient expression of target nucleic acid" and/or b) a genetically modified virus into where the target nucleic acid can be introduced."

All of the claims of Group III require "providing nucleic acid target in a form replicable by an RNA-dependent RNA polymerase" and "incorporating the nucleic acid target into the genome of an RNA virus or other RNA replicon."

As such, the capability to mass produce a target nucleic acid sequence that is incorporated into the genome of a RNA virus or an RNA replicon is the unifying technical feature of all of the claims. This defines a distinct and patentable contribution over Délye *et al.*

For these reasons, unity of invention exists under PCT Rules 13.1 and 13.2. The Applicants respectfully note that unity of invention was indicated for claims 1-28 at the international stage of the present application. (*See* Written Opinion of the International Searching Authority, dated November 16, 2004, and the International Preliminary Report on Patentability, dated August 5, 2005.)

Therefore, the restriction requirement is improper and should be withdrawn.

Respectfully submitted,
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